



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUL 11 2014

Robert F. Bauer
Daniel B. Nudelman
Perkins Coie
700 Thirteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 6734
Thomas Fay

Dear Messrs. Bauer and Nudelman:

On May 14, 2013, the Federal Election Commission notified your client, Thomas Fay, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to your client at that time.

Upon further review of this matter, including the recent Supreme Court decision in *FEC v. McCutcheon*, the Commission, on July 2, 2014, voted to dismiss this matter. The Factual and Legal Analysis, which explains the Commission's decision, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009).

If you have any questions, please contact Elena Paoli, the attorney assigned to this matter, at (202) 694-1548.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Allen".

Mark Allen
Acting Assistant General Counsel

Enclosure: Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS:

MUR: 6734

John Canning	Vincent Mai
Jeffrey Hurt	Prem Reddy
Donald Simms	Robert Beal
Susan Simms	Richard Uihlein
David Wallace	Philip Geier
Robert Reynolds	L. Scott Frantz
David Boies	John Cooney
Thomas Cushman	Elizabeth Wiskemann
Joe Murphy	Edward Donaghy
Thomas Fay	Michael Keiser
Thomas Girardi	John Roeser
Amy Goldman	Josephine Freede
John Harris	Don Scifres
David Herro	Timothy Travis
Carl A. Davis	William Smithburg
Kurt Wheeler	Alan Sieroty

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission ("Commission") by Citizens for Responsibility and Ethics in Washington and Melanie Sloan ("CREW") and the Campaign Legal Center and Paul S. Ryan ("CLC") alleging that 32 individuals violated 2 U.S.C. § 441a(a)(3)(A) and 11 C.F.R. § 110.5(b)(1)(i) by exceeding the \$42,600 aggregate biennial limit for contributions to candidate committees during the 2012 election cycle.

II. FACTUAL AND LEGAL ANALYSIS

The Act and Commission regulations set biennial limits on the aggregate amount that an individual may contribute to all authorized candidate committees during each two-year period beginning on January 1 of an odd-numbered year and ending on December 31 of the next even-numbered year. 2 U.S.C. § 441a(a)(3)(A); 11 C.F.R. § 110.5(b)(1)(i).

TODAY'S